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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNIVERSAL ENTERTAINMENT  
CORPORATION, a Japanese corporation,

Plaintiff,

vs.

ARUZE GAMING AMERICA, INC., a  
Nevada corporation, KAZUO OKADA, an  
individual

Defendants.

**CASE NO.: 2:18-CV-585 (RFB) (GWF)**

**PLAINTIFF'S NOTICE OF FILING OF  
SECOND AMENDED COMPLAINT**

**PLAINTIFF'S NOTICE OF FILING SECOND AMENDED COMPLAINT**

Plaintiff Universal Entertainment Corporation ("UEC") hereby provides notice of Plaintiff's contemporaneous filing of its Second Amended Complaint ("SAC") against the defendants Aruze Gaming America, Inc. ("AGA") and Kazuo Okada ("Okada") (collectively "Defendants") pursuant to Rule 15(a)(1).

1 The originally filed Complaint (Docket No. 1) was amended and superseded by the First  
2 Amended Complaint (Docket No. 29), which was duly entered by the Court (Docket No. 25)  
3 following an agreed Stipulation of the Parties. Because the FAC was entered pursuant to written  
4 agreement of the Parties and by Order of the Court, the FAC was filed pursuant to Rule 15(a)(2). As  
5 explained by the Ninth Circuit's decision in *Ramirez*, the 2009 amendments to Rule 15 provide for  
6 one amendment to the pleadings as a matter of course and without requesting leave:

7 Here, the Plaintiff's first amendment was accomplished pursuant to a  
8 stipulation between the parties. This particular amendment complied with Rule  
9 15(a)(2) as an "other amendment" because it was filed "with the opposing party's  
10 written consent." It is arguable that this amendment was also filed with the "court's  
11 leave," which, as the district court recognized, is an alternative method of complying  
12 with Rule 15(a)(2).

13 Thus, the second question before this court with whether the Plaintiff was  
14 allowed to file a Second Amended Complaint as a matter of course under Rule  
15 15(a)(1), or whether his First Amended Complaint somehow exhausted his one matter  
16 of course amendment. We hold that Rule 15 provides different ways to amend a  
17 complaint, and these ways are not mutually exclusive. Rule 15 is organized  
18 substantively, not chronologically. It does not prescribe any particular sequence for  
19 the exercise of its provisions. That is, it does not mandate that the matter of course  
20 amendment under 15(a)(1) be exhausted before an amendment may be made under  
21 Rule 15(a)(2) nor does it state that the ability to amend under 15(a)(1) is exhausted or  
22 waived once a 15(a)(2) amendment is made.... Hence, we conclude that a plaintiff  
23 may amend in whatever order he sees fit, provided he complies with the respective  
24 requirements found within 15(a)(1) and 15(a)(2).

25 *See Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1006-1007) (9<sup>th</sup> Cir. 2015).

26 Rule 15(a)(1)(B) provides that an amended pleading may be filed "21 days after service of a  
27 responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is  
28 earlier." Fed.R.Civ.P. 15(a)(1)(B). Defendants' renewed Motion to Dismiss was filed on August 2,

2018, which is twenty-one days prior to the filing of this Notice and the contemporaneously filed SAC. Accordingly, Plaintiff's filing of the SAC is in compliance with Rule 15(a)(1) and the Ramirez decision, discussed above.

The purposes of the amendments are both substantive and for clarification of certain allegations. The substantive changes are designed to address and clarify the allegations in an effort to expedite resolution of Defendants' Motion to Dismiss in order to move the case forward. The SAC attempts to further address Defendants' arguments relating to the allegations of contributory infringement and address Defendants' purported license arguments as well as to provide additional clarity regarding the state law causes of action presented. Other changes between the FAC and SAC are intended to more clearly set forth factual allegations by providing greater specificity and reducing ambiguity.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of August, 2018.

By: /s/ Jay J. Schutttert

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically served on counsel of record this 23<sup>rd</sup> day of August, 2018, using the Court's CM/ECF System.

/s/ Faith B. Radford

An Employee of Evans Fears & Schuttart LLP